IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 21617 of 2006

Dated 8th November, 2006

Between
G.Mallikarjuna Reddy and others.

… Petitioners

And

Convenor, ICET-2006 Admissions,
Osmania University Campus, Hyderabad and
Another.

… Respondents.

ORAL ORDER:

The three petitioners, who are admitted to M.C.A. course in the second respondent – college for the academic year 2006-07, filed this writ petition when their admissions were not approved by the first respondent – Convener on the ground that in the notification issued by the second respondent herein, it did not give some particulars.

Admissions to M.B.A. and M.C.A. courses are regulated by the statutory rules framed in G.O.Ms.No. 59, Higher Education (ECI) Department, dated 20.5.2006 under the provisions of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983. For the academic year 2006-07, admissions are made based on the ranking obtained by the students in the common entrance test i.e. ICET. After completion of the admission process and filling up of the seats by the Convener, he has issued notification dated 20.9.2006 permitting the institutions to fill up the left over unfilled seats in M.B.A. and M.C.A. courses by issuing notification. The said admissions are named as 'Institutional Spot Admissions'. Consequent to the notification dated 20.9.2006 issued by the first respondent, the second respondent – Institute has published notification in daily news paper called ' Hamara Awam Urdu Daily' on 28.9.2006 for spot admissions for filling up three left over convener seats in M.C.A. course. Pursuant to the said advertisement, the petitioners herein claim to have been admitted in the second respondent – Institution on 30.9.2006. But, when the list of admissions was

forwarded by the second respondent on 7.10.2006, the said list was not approved mainly on the ground that the second respondent has not given the details with regard to admissions to students hailing from minority community in the notification. It is further stated that the notification is also silent on the cut off date.

In the counter affidavit filed, it is stated that the candidates were not admitted as claimed by the second respondent-institution on 30.9.2006, but they were admitted on 4.10.2006. It is further stated that the list of admitted students was submitted on 7.10.2006, which was the last date notified by the Convener.

I have perused the copy of the notification issued by the second respondent-institution and in the notification, it is clearly stated that the notification is for filling up the left over Convener seats by way of spot admission and the name of the Institute is mentioned as 'Maryum Institute of Computer Science' and the contact addressed is given as Madina Educaton Centre, P.G.Road, Nampally. Rule 6 (ii) (b) (11) of the rules framed in G.O.Ms.No.59, dated 26.5.2006 which deals with the vacant seats is relevant and reads thus:

" The vacant seats handed over by the Convenor shall be notified and filled by the institution on merit basis following the Rule of Reservation as provided under Rule 7. Such seats shall be first filled with eligible candidates belonging to the Concerned Minority and then with eligible candidates belonging to other than the Concerned Minority."

As per the above rule, the left over seats shall be filled with eligible students belonging to concerned minority, if available, and it also permits the vacant seats to be filled with eligible candidates belonging to other than the concerned minority. In this case, it is not the case of the first respondent that any candidate belonging to minority community was available and approached in the institutional spot admission, but was not given admission. The ground that the details are not given in the advertisement is not

germane to reject the approval so far as the petitioners are concerned. The petitioners responded to the notification issued by the second respondent and they claim to have been admitted by the second respondent well within the time i.e. on 30.9.2006. Though the said date is disputed by the respondent stating that they were not admitted before the cut off date i.e. 30.9.2006 and were admitted only on 4.10.2006, the fact remains that the colleges were permitted to submit the list of admissions up to 7.10.2006. Even from the averments in the counter, it is clear that the list of admitted candidates was submitted by the second respondent within the time stipulated. In that view of the matter, both the objections stated in the counter affidavit for not approving the admission of the petitioners are not sustainable for rejection of the approval to the admission of the petitioners herein. In any event, the petitioners were already admitted and are attending the classes from the date of their admission and even if the seats are allowed to be kept vacant, they are not to the benefit of any students.

Further, though it is stated that the classes have commenced from 4.9.2006, but even according to the communication sent to the colleges, it permits the institutional admissions up to 30.9.2006 and the list of the admitted candidates to be furnished up to 7.10.2006. Therefore, the same is also no ground to reject the approval and the petitioners stand on the same footing as that of the students admitted in institutional admissions by all other colleges and are entitled to continue to prosecute their course.

In view of the above, the writ petition is disposed of directing the first respondent to approve the admissions of the petitioners into M.C.A. course for the academic year 2006-07 and allow them to prosecute the course as per the academic regulations.

Now, it is stated that the last date for submission of

applications and payment of fee to appear for the first semester of M.C.A. is today viz. 8.11.2006. Inasmuch as this court has directed the first respondent to approve the admissions of the petitioners, the concerned authority shall allow the petitioners to pay examination fee and receive their examination applications without reference to the last date i.e. 8.11.2006.

Subject to above directions, the writ petition is disposed of. No costs.

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8.11.2006

R.SUBHASH REDDY, J.

VR

Note:
Issue cc by tomorrow.
(BO)
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